



3616
Docket No.: O2911.0007/P043-D
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:
John R. Plate et al.

Application No.: 09/335,377

Filed: June 17, 1999

For: FORKLIFT STABILIZING APPARATUS

Group Art Unit: 3616

Examiner: E. Culbreth

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SURRENDER OF PATENT

Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants herewith surrender U.S. Patent No. 5,639,119 for the above-referenced reissue application. If an additional extension of time is needed to obtain entry and consideration of the Amendment filed September 15, 2003 and the present documents and/or to obtain allowance of the application, then Applicants hereby petition for an extension of time through October 14, 2003. Please charge the applicable fee (\$310.00, where one-month extension has already been obtained) to Deposit Account No. 04-1073 (Order No. O2911.0007).

Applicants respectfully submit, however, that an extension of time should not be needed to obtain entry of the September 15th Amendment nor should it be necessary to obtain entry of the present documents. The Amendment was fully responsive to all objections and rejections set forth in the May 14, 2003 Office Action. See M.P.E.P. § 1443 ("examination on the merits is made even though [offer to surrender] not . . .

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received”) and § 1416 (Ex parte Quayle action used to require submission of original patent before allowance). Favorable action on the application is solicited.

Dated: October 14, 2003

Respectfully submitted,

By 

Mark J. Thronson

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